

State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

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Certified Mail

DAQC-884-2001

June 14, 2001

Mr. Nathan Rich, PE
Wasatch Energy Systems
3404 North 650 East
Layton, Utah 84041-8647

Dear Mr. Rich:

RE: **NOTICE OF VIOLATION AND ORDER TO COMPLY** - Utah Administrative Code (UAC) R307-401 and Condition 7 of Approval Order (AO) dated September 10, 1996 - Wasatch Energy Systems - Davis County

On June 11, 2001, the Division of Air Quality (DAQ) received a report for compliance testing of Units A and B performed March 6-9, 2001. The test report indicates that at the time of testing, Unit A dioxin/furan emissions averaged 365.4 nanograms per dry standard cubic meter, adjusted to 7 percent oxygen (ng/dscm @ 7% O₂). Condition 7 of the AO dated September 10, 1996, limits dioxin/furan emissions from Unit A to 360 ng/dscm @ 7% O₂.

The enclosed **NOTICE OF VIOLATION AND ORDER TO COMPLY** is based on the data contained in the test report. The **ORDER** is effective immediately. Compliance with the **ORDER** is mandatory and will not relieve the company of liability for any past violations. To request a formal administrative hearing, the procedures detailed in the paragraph entitled "Compliance, Opportunity for a Hearing" must be followed.

The **ORDER** requires Wasatch Energy Systems to submit written notification of its intent to comply, indicating how and when compliance will be achieved, to DAQ in writing on or before the 15th day after receipt of the **ORDER**. A meeting will then be arranged to discuss the violation, findings, and resolution. Questions regarding this matter may be directed to Harold Burge at (801) 536-4129.

WHEN RESPONDING, REFER TO THE DATE ON THIS LETTER.

Sincerely,

Richard W. Sprott, Executive Secretary
Utah Air Quality Board

RWS:HAB:sd

Enclosure: **NOTICE OF VIOLATION AND ORDER TO COMPLY**

cc: Department of Environmental Quality, Dianne R. Nielson
EPA Region VIII, Carol Smith
Davis County Health Department

THE UTAH AIR QUALITY BOARD

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In the Matter of	:	NOTICE OF VIOLATION
Wasatch Energy Systems	:	AND ORDER TO COMPLY
	:	No.2001061530
	:	

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This NOTICE OF VIOLATION AND ORDER TO COMPLY is issued by the UTAH AIR QUALITY BOARD (the Board) pursuant to the Utah Air Conservation Act (Act) Section 19-2-101, et seq., Utah Code Annotated 1953, as amended. The Executive Secretary is authorized to issue Notices of Violation pursuant to Section 19-2-110 of Utah Code Annotated. The Board has delegated to the Executive Secretary authority to issue ORDERS in accordance with Section 19-2-107(2)(g) of the Utah Code Annotated.

FINDINGS

1. Wasatch Energy Systems (WES) operates two municipal waste combustor units (Units A and B) located at 3404 North 650 East, Layton, Davis County, Utah. WES' offices are located at that same address.
2. On September 10, 1996, the Executive Secretary issued an Approval Order (AO) to WES in accordance with Utah Administrative Code (UAC) R307-401. Condition 7 of that AO limits dioxin/furan emissions from each combustor unit to 360 nanograms per dry standard cubic meter corrected to 7 percent oxygen (ng/dscm @ 7% O₂).
3. On June 11, 2001, the Executive Secretary received a report dated May 11, 2001, of compliance testing performed at WES on March 6-9, 2001. The report indicates that at the time of testing, dioxin/furan emissions from Unit A averaged 365.4 ng/dscm @ 7% O₂.

VIOLATION

Based on the foregoing FINDINGS, WES is in violation of Condition 7 of the AO dated September 10, 1996, for dioxin/furan emissions from Unit A which exceeded the dioxin/furan emission limit.

ORDER

Based on the foregoing FINDINGS AND VIOLATION, WES, pursuant to Section 19-2-107(2)(g) of the Utah Code Annotated, is hereby ORDERED TO:

1. Immediately initiate all actions necessary to achieve total compliance with all applicable provisions of the Act.

2. Notify this office in writing on or before the 15th day after receipt of this letter, of WES' intent to comply with this ORDER and indicate how compliance will be achieved.

COMPLIANCE, OPPORTUNITY FOR A HEARING

This ORDER is effective immediately and shall become final unless WES requests, in writing, a hearing within thirty (30) days after receipt of this Notice pursuant to Utah Code Annotated 19-2-110. Section 19-2-115 of the Utah Code Annotated provides that violators of the Utah Air Conservation Act and/or any ORDER issued thereunder may be subject to a civil penalty of up to \$10,000.00 per day for each violation.

Dated _____ day of _____, 2001.

Richard W. Sprott, Executive Secretary
Utah Air Quality Board